

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 17, 2012

In the Matter of WALTON, Minors.

No. 307905
Oakland Circuit Court
Family Division
LC No. 11-786281-NA

Before: SERVITTO, P.J., and CAVANAGH and FORT HOOD, JJ.

MEMORANDUM.

Respondent, M. Walton, appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (h), (j), and (n). We affirm.

Respondent contends that the trial court erred in finding that a statutory ground for termination was established. However, he does not dispute that the evidence, if believed, was sufficient to prove a statutory ground for termination by clear and convincing evidence. His sole argument is that his wife's testimony was not credible because petitioner failed to present independent evidence to corroborate her assertions. The credibility of any witness is an issue for the trier of fact, and the trier of fact may accept testimony even when it is uncorroborated. *People v Hare*, 57 Mich 505, 517; 24 NW 843 (1885). Moreover, evidence may be clear and convincing even when contradicted. *In re Martin*, 450 Mich 204, 227; 538 NW2d 399 (1995). The trial court specifically found the witness's testimony to be credible, and this Court gives "special deference to the trial court's findings when they are based on its assessment of the witnesses' credibility." *H J Tucker & Assoc, Inc v Allied Chucker & Engineering Co*, 234 Mich App 550, 563; 595 NW2d 176 (1999). We are not left with a definite and firm conviction that the trial court made a mistake in accepting the witness's testimony. *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004). The witness's testimony that respondent physically abused the children and shot her in the head was supported by the fact that respondent was convicted of assault with intent to commit murder, domestic violence, child abuse, and felony-firearm in connection with the incidents. The trial court found that the witness's physical demeanor showed that she was truly frightened of respondent and she gave a rational explanation for telling hospital personnel that someone else had shot her. The trial court did not clearly err in relying on the witness's testimony to find that the statutory grounds for termination were proven by clear and convincing evidence.

Affirmed.

/s/ Deborah A. Servitto

/s/ Mark J. Cavanagh

/s/ Karen M. Fort Hood